



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

SOLICITATION OF PUBLIC COMMENT FOR PROJECT-SPECIFIC BUILD AMERICA, BUY AMERICA NONAVAILABILITY WAIVER PROPOSAL

SUBJECT: UNDER EVALUATION: Project-Specific Nonavailability Waiver of Build America, Buy America Act Manufactured Product Requirements to the City of Vicksburg, Mississippi for Smart Water Meters

Introduction: This solicitation of public comment by the U.S. Environmental Protection Agency (EPA) is to evaluate a Build America, Buy America (BABA) waiver request submitted by an assistance recipient based on nonavailability of single product for a single project.

This solicitation of public comment does not represent a final agency decision. The purpose of this proposal is to inquire whether potential domestic products may be available that were not identified by the assistance recipient or through the EPA's domestic product research efforts, and whether other factors should be considered in the evaluation of a waiver.

The EPA completed its market research efforts and was unable to identify domestic products meeting the technical specifications, in sufficient and reasonably available quantities and of a satisfactory quality. The EPA makes every effort to locate BABA-compliant products through its waiver process, and the public comment period provides an additional meaningful opportunity to augment the Agency's research. In the EPA's experience, a viable BABA-compliant product may be identified through public comment. Through this public comment period, commenters may provide information that indicates a compliant item is available. In that circumstance, the EPA would not issue a final waiver.

Public comments are requested for 15 days (specific dates noted on the EPA's website). Comments should be submitted to BABA-OW@epa.gov. Please include information in the subject of the email identifying it as a public comment on this waiver request, such as "Waiver Comment: City of Vicksburg Water Meters" or similar.

Background

The Buy America Preference set forth in section 70914 of the BABA included in the

Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), requires all iron, steel, manufactured products, and construction materials used for infrastructure projects under Federal financial assistance awards be produced in the US.

Under section 70914(b), the EPA may waive the application of the Buy America Preference, in any case in which it finds that: applying the domestic content procurement preference would be inconsistent with the public interest; types of iron, steel, manufactured products, or construction materials are not produced in the US in sufficient and reasonably available quantities or of a satisfactory quality; or the inclusion of iron, steel, manufactured products, or construction materials produced in the U.S. will increase the cost of the overall project by more than 25 percent. All waivers must have a written explanation for the proposed determination; provide a period of not less than fifteen (15) calendar days for public comment on the proposed waiver; and submit the proposed waiver to the Office of Management and Budget's (OMB) Made in America Office for review to determine if the waiver is consistent with policy.

Summary

Proposed Waiver: The EPA is soliciting comments regarding whether to issue a project waiver of the manufactured products requirements of section 70914 of the BABA included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), for advanced metering infrastructure (AMI) smart water meters, used in an infrastructure project funded as directed by the 2024 Consolidated Appropriations Act. Of note, these AMI smart water meters were purchased by the Applicant in 2024, immediately preceding EPA finalizing a general applicability waiver for this product.

Waiver Type: Nonavailability of a domestic product in sufficient and reasonably available quantities or of a satisfactory quality.

Waiver Level and Scope: Project level waiver for a single product for a single project. No other project will utilize the waiver.

Proposed Waiver Description: Project-specific nonavailability waiver of the BABA manufactured products requirements to the City of Vicksburg, Mississippi (Applicant) for AMI smart water meters for use in the Applicant's Water Meter Replacement Project.

Project Summary: The project, taking place in Vicksburg, Mississippi, includes the furnishing of specified AMI smart water meters, software, hardware, and radios/transmitters. The existing water meters were installed over 20 years ago and need replacement. These water meters are contributing to inaccurate readings, inefficiencies in the Applicant's management of its system, and unaccounted for water loss. By undertaking this project, the Applicant aims to improve the community's water infrastructure, increasing operational efficiency, reliability, and capacity of the system for existing and future service needs.

Length of the waiver: From the effective date of the final waiver until December 31, 2027.

Summary of Items Covered in the Proposed Waiver (including NAICS): The Applicant is seeking a waiver for AMI Smart Water Meters (NAICS code 334513; PSC 6632), which is a BABA manufactured product.

The Applicant proposes to request reimbursement from its congressionally appropriated funds for these AMI smart water meters, which are not certified, BABA-compliant products. These AMI smart water meters were purchased by the Applicant in 2024, when EPA market research demonstrated that no BABA-compliant AMI smart water meters were available. Additional description of the circumstances necessitating this waiver are provided in the section below.

AMI water meters are composed of meter housings, end points/transmitters, printed circuit boards, meter electronics, batteries, base stations, repeaters and associated equipment. For additional information on the project and waiver request, see the attached original waiver request from the assistance recipient.

Description of Efforts Made to Avoid the Need for a Waiver

On December 20th, 2024, the EPA, in collaboration with the Department of the Interior's (DOI) Bureau of Reclamation approved a general applicability waiver for AMI smart water meters based on non-availability (Joint General Applicability Waiver). The waiver, based on cumulative and collaborative research efforts, is a phased waiver, provided for three total years from the date of approval.

From 2022 through 2024, DOI, the EPA, and grant recipients conducted market research to assess the availability of domestically manufactured AMI smart water meters. At that time, all manufacturers responsive to market research inquiries stated that they were in the process of evaluating moving manufacturing to the United States but did not have immediate plans or timeframes identified.

The Applicant initiated procurement activities for this project, purchasing several orders of AMI smart water meters prior to the Joint General Applicability Waiver being approved, which applies only to products purchased after the effective date of the waiver, December 20, 2024. Many of the AMI smart water meters that will be used in the project will be eligible for coverage by the Joint General Applicability Waiver. However, two orders of water meters (3,000 ¾-inch meters, 500 1-inch meters, and including 292 transmitters in total) were purchased prior to the effective date of the waiver, thus restricting the project's ability to use the general applicability waiver for these meters. No federal expenditure has been made for any of the AMI smart water meters, and those products ordered prior to the effective date of the Joint General Applicability Waiver would be covered by this project-specific product nonavailability waiver.

Anticipated Impact if No Waiver is Issued

This grant has not yet been awarded. Absent a waiver, the Applicant will not be able receive its congressionally appropriated grant to improve the reliability of its water system. The water system experiences significant water loss, and the installation of these AMI smart water meters will enable the Applicant to address water loss more efficiently, improving the system's reliability and efficiency for the community.

Description of Award

Recipient Name and/or Unique Entity Identifier (UEI): City of Vicksburg

Recipient Unique Entity Identifier: TKAXQ63K6UL3

Federal Financial Assistance Identification Number (FAIN): N/A

Federal Financial Assistance Funding amount: \$6,000,000

Total Cost of Infrastructure Expenditures: \$4,795,443.46

WILLIS THOMPSON
MAYOR

THOMAS "T.J." MAYFIELD
WARD 1 ALDERMAN



VICKIE BAILEY
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City of Vicksburg

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The City of Vicksburg is formally requesting a BABA Non-Availability Waiver for the EPA Clean Drinking Water Project.

This request is submitted due to the meters and transmitters that will be listed are not covered under the De Minimis List.

Product Category Classification: The products included in this waiver request fall under the following BABA category.

- Manufactured products:
 - [REDACTED] ¾" Water Meter
 - Type: Smart electromagnetic water meter (nonmoving parts)
 - Material: Polymer
 - Size: ¾" short length
 - Technology: Uses electromagnetic flow measurement with embedded electrodes to detect water velocity.
 - Accuracy: Maintains high accuracy even at very low flows
 - Power: Battery-powered (20+yr life expectancy)
 - Features:
 - Detects leaks, reverse flow, and tampering.
 - Stores consumption and event data for utility monitoring
 - Compatible with AMI/AMR systems for remote reading
 - No moving parts → less wear and longer service life
 - Applications: Residential and light commercial water metering
 - [REDACTED] 1" Water Meter
 - Type: Smart electromagnetic water meter (nonmoving parts)
 - Material: Polymer
 - Size: ¾" short length
 - Technology: Uses electromagnetic flow measurement with embedded electrodes to detect water velocity.
 - Accuracy: Maintains high accuracy even at very low flows
 - Power: Battery-powered (20+yr life expectancy)

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City Website: <http://www.vicksburg.org>

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- Features:
 - Detects leaks, reverse flow, and tampering.
 - Stores consumption and event data for utility monitoring
 - Compatible with AMI/AMR systems for remote reading
 - No moving parts → less wear and longer service life
 - Applications: Residential and light commercial water metering
- [REDACTED] Module (Transmitter)
 - Data Storage: 35 days of hourly historical data in non-volatile memory
 - Pit set installation: meter interfaces with the [REDACTED] communication network
 - Environment: 100% condensing, water-submersible
 - Frequency range: 900-950 MHz
 - Power: Battery powered with lithium thionyl batteries with hybrid layer capacitor
 - Operating temperature: -22°F to +185°F

Supplier and Pricing Information: The City of Vicksburg has identified [REDACTED] as the regional distributor within Mississippi for [REDACTED] water meters manufactured by [REDACTED]

- 3,000 Units - [REDACTED] ¾" [REDACTED]
 - Unit Cost: [REDACTED]
 - Total Cost: [REDACTED]
- 500 Units - [REDACTED] 1" [REDACTED]
 - Unit Cost: [REDACTED]
 - Total Cost: [REDACTED]
- 292 Units - [REDACTED] Transmitters (Model [REDACTED])
 - Unit Cost: [REDACTED]
 - Total Cost: [REDACTED]

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Product Purchasing Details: The following purchase order and payment details are provided for the materials included in this waiver request:

- 1,344 Units - [REDACTED] ¾" [REDACTED]
 - Purchase Order Issue Date: September 24, 2024
 - Check Date: October 25, 2024
- 1,656 Units - [REDACTED] ¾" [REDACTED]
 - Purchase Order Issue Date: October 24, 2024
 - Check Date: December 10, 2024
- 500 Units - [REDACTED] 1" [REDACTED]
 - Purchase Order Issue Date: October 24, 2024
 - Check Date: December 10, 2024
- 292 Units - [REDACTED] Transmitters
 - Purchase Order Issue Date: October 24, 2024
 - Check Date: December 10, 2024

Product Purchasing Details: This project consists of the furnishing, delivery, and installation of specified water meters, software, hardware, and radio communication components that are fully compatible with the City's existing [REDACTED] water and gas meter reading system.

The primary objective of this project is to replace the City's existing water meters with an Advanced Metering Infrastructure (AMI) system that integrates seamlessly with the current meter reading network as well as the City's existing billing and financial management software systems. Maintaining compatibility with the current infrastructure is critical to ensure continuity of operations, avoid system redundancy, and prevent addition costs associated with replacing or overhauling existing technology platforms

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Meter transmitters will be replaced only as necessary to bring the system up to acceptable operational and performance standards, thereby maximizing the use of existing infrastructure while ensuring reliability, accuracy, and efficiency in water usage monitoring and data collection.

This project will improve system-wide performance by enhancing data accuracy, enabling real-time monitoring capabilities, improving leak detection, and increasing overall operational efficiency for both the utility and its customers.

Project Schedule: The City of Vicksburg anticipates beginning installation of residential meters (¾" and 1") on or about May 1, 2026. The current contract duration for the residential meter portion of the project is twelve months, with an anticipated completion date of April 30, 2027.

The timeline for completion of commercial meter installation has not yet been formally established; however, the City anticipates a total project duration of approximately twenty months, resulting in an estimated overall project completion date of November 2027.

Efforts to Identify Domestic Sources: The City of Vicksburg has conducted and succeeded in identifying American made and produced products that meet the required technical specification and performance standards for this project.

These efforts included:

- Advertisements for bids in local media outlets
- Coordination with regional distributors and suppliers
- Evaluation of comparable products for compliance and pricing with project requirements

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Project Requirements Documentation: Relevant excerpts from project plans, specifications, and permitting documents outlining the required quantity, technical specifications, and performance standards for the meters and transmitters are included.

Justification for Non-Availability Waiver: The City of Vicksburg is requesting a non-availability waiver for the previously mentioned BABA-compliant materials that fall outside of the De Minimis waiver provisions.

The City of Vicksburg appreciates your consideration of a Non-Availability Waiver for the materials noted above. Please feel free to reach out should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Willis T. Thompson", is written over a faint, large circular watermark of the City of Vicksburg seal.

Willis T. Thompson

Mayor

City of Vicksburg

mayorwillisthompson@vicksburg.org

601-631-3718

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